



## COERCIVE ABORTION PACKAGE - BILL SUMMARY

February 13, 2012

BILL	ACT	SUMMARY	POSITION
HB 4799 – Rep. Opsommer	Michigan Penal Code	Prohibits coercing a female into having an abortion; coercion means: 1) discontinuing or threatening to discontinue legally obligated support; 2) withdrawing or threatening to withdraw from a contract to which the pregnant female is a beneficiary; 3) discharging or threatening to fire from employment; 4) information that a woman does NOT want an abortion includes any statement, action or INACTION	Opposed: ACLU of MI  With amendments - we support the committee amendments to add: 1) coercion to continue a pregnancy against her will; 2) remove definition of unborn child, and 3) remove ability of father to sue. But we still oppose the package because it is unnecessary and the definition of coercion is overbroad and dangerous.
HB 5182 – Rep. O'Brien	Public Health Code	Requires DCH to prepare a coercive abortion and domestic violence screening device; requires physician to orally screen each patient; requires DCH to develop notification for placement in all facilities performing abortions	Opposed: ACLU of MI
HB 5134 – Rep. Jenkins	Public Health Code	Requires protocol for coercive abortion screening: 1) physician must orally screen; 2) if coercion is a possibility then additional 24 hour waiting period; 3) patient under 18 who is found to be a victim of DV or coercion reported to child protective services; 4) requires public notice displayed in provider facilities	Opposed: ACLU of MI
HB 4798 – Rep.	Code of Criminal	Sentencing guidelines variable	Opposed: ACLU of MI

Rendon	Procedure		Amendment - adds coercion in full to the sentencing guidelines. Good but we oppose the entire package.
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### TALKING POINTS

1. Women should NOT be coerced into or out of having an abortion. All reproductive health choices should be freely made and well informed and this body should not presume that women are somehow not fully capable of making such decisions.
2. Michigan's existing informed consent law already mandates that a woman's consent to an abortion must be "given freely and without coercion."
3. Supporters of this legislation laud this effort as a step to protect women who are victims of domestic violence. In reality, this is part of a larger agenda to deny women access to the full range of reproductive health services that they really need.
4. By omission, these bills actually allow for coercion of a woman to carry to term a pregnancy by an abusive partner, or by perpetrator of sexual assault or incest.
5. Under this misuse of the informed consent law, doctors must assure that a patient understands that it is illegal to be coerced into having an abortion and determine if the patient indicates that she is a victim of coercion. If so, the bills would require a pregnant woman to delay her abortion for at least another 24 hours.
6. These bills require doctors to act as police investigators instead of focusing on providing women's health care.
7. If it is the goal of the Michigan Legislature to reduce the number of abortions in Michigan, preventing unintended pregnancies should be their top priority.
8. We should be working together to move forward commonsense policies that would improve access for low-income women to reproductive and prenatal health care, expand insurance coverage of contraceptives, and provide abstinence-plus education to our young people. By focusing on preventing unintended pregnancies, we would reduce the need for elective abortions in Michigan and accomplish everyone's goals.
9. The bottom line is that the Legislature should stay out of private health care decisions. These bills do nothing to protect pregnant women.

### DATA

- Seventy percent of all abortions were provided at abortion clinics, 24% at other clinics, 4% at hospitals and 1% at private physicians' offices.
- The Alan Guttmacher Institute -- one of the most respected nonprofit research organizations focused on sexual and reproductive health research, policy analysis and public education -- identifies three ways states can help women avoid pregnancy: meet the needs for subsidized contraceptive services and supplies, have policies and laws in place that facilitate access to contraceptive services, and financially support the delivery of those services. Guttmacher ranks

Michigan 48th in the nation in its efforts to help women avoid unintended pregnancies and worst in terms of the quality of its sex education policies.

- There is no evidence that coercive abortion is prevalent. According to a 2004 Alan Guttmacher Institute study, only one-half of one percent of women — who could give multiple reasons — said their most important reason for obtaining the abortion was that their partner or husband wanted them to have it. And even that, obviously, does not mean that the woman herself did not agree with the decision.